THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 8884 OF 2000

Dated 25th April, 2007

Between:

Tatali Venkata Reddi

…Petitioner

And

District Collector, East Godavari District
at Kakinada and others.

…
Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a declaration that the action of the respondents 1 and 2 in taking steps for his eviction from the leasehold lands in Sy.Nos. 676 admeasuring Ac.2.58 situated at Vedurupaka village as illegal and arbitrary.

This writ petition was filed on the apprehension that the respondents 1 and 2 were taking steps for eviction of the petitioner though he is in possession by virtue of the lease granted by the 3rd respondent-temple, which is the owner of the land in question.

At the stage of admission this court by order dated 17.5.2000 granted directions not to dispossess the petitioner except in accordance with law.

Counter affidavit is filed by the third respondent stating that no steps have been taken for eviction of the petitioner and no notification is also issued under Section 4(1) of the Land Acquisition Act. However, no counter-affidavit has been filed by the respondents 1 and 2.

Except the averments in the affidavit filed in support of the writ petition, there is no other material to show that any steps were taken for dispossession. In any event, in the absence of counter-affidavit from the respondents 1 and 2 controverting the averments of the petitioner, I dispose of the writ petition with a direction that if the petitioner is in possession of the land in question by virtue of the lease granted by the third respondent, he shall not be dispossessed except in accordance with law.

Subject to above direction, the writ petition is disposed of. No costs.

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25.4.2007 **R.SUBHASH REDDY,**

J.

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